



TENTH JUDICIAL DISTRICT
WAKE COUNTY
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May 7, 2020

To: Members of the Tenth Judicial District Bar

From: Judge Paul Ridgeway, Senior Resident Superior Court Judge
Judge Robert Rader, Chief District Court Judge
Chris Graves, Chief Magistrate
Lorrin Freeman, District Attorney
Chuck Caldwell, Public Defender
Blair Williams, Clerk of Superior Court
Kellie Myers, Trial Court Administrator

Re: Expansion of Superior Court Functions

As you are aware, Chief Justice Beasley previously entered an order suspending most court sessions until June 1, 2020 due to the health risks associated with COVID 19 and mass gatherings. The Chief Justice recently has convened a working group of court leaders and members of the private Bar from across the State to outline best practices in reopening court. In anticipation that some courts will begin to operate again in June, we have developed a plan to resume some additional Criminal Superior Court and Civil Superior Court functions.

The plan, which follows, includes attempting to limit the number of individuals in a courtroom. Additionally, we have asked the County to provide assistance in how we can best achieve social distancing and implement other best practices on health precautions during this period. We are asking for your participation in ensuring that these practices are followed.

We appreciate your cooperation and service during this unprecedented time for our courts and our community.

CRIMINAL SUPERIOR COURT

Specifically, beginning June 1, 2020, we will again set Motion and Arraignment calendars with the intent of running plea and administrative courts each week in June. We do not intend to convene juries during the month of June and will await further direction from the Chief Justice before determining when to begin trials in Superior Court.

In an effort to continue to minimize all of our exposure to COVID-19, Defendants with counsel of record will be excused from appearing in 401 and 701 on Mondays for calendar call during the month of June. Defense counsel should plan to attend. Defense attorneys will be responsible for notifying their clients of the time for them to appear during that week. The Clerk's office is sending notice of this arrangement to the last known address of each defendant. These notices encourage defendants to contact their attorneys.

In an effort to make sure that court time is productively used, the District Attorney’s office has requested assistant district attorneys make contact with defense attorneys beginning immediately to discuss cases that are ready for disposition and can be resolved during these administrative sessions. As judicial resources are available, plea sessions will be spread between multiple Superior Court courtrooms on the seventh floor of the Justice Center in further effort to minimize large groups.

Trials that were scheduled for June will be reset. Homicide Status Review will be held on June 11. We will publish a calendar in advance. At that time, we will reschedule cases as necessary.

CIVIL SUPERIOR COURT

**The information below is contingent upon directives of the Chief Justice and Governor and is subject to change at the discretion of the Senior Resident and Trial Court Administrator to protect the health of court personnel and of the public.*

Civil Superior Jury Trials

- There will be no jury trials in June 2020. All jury trials will be continued by the Court. The order and priority of cases set for trial will be based upon peremptory settings, statutory priorities, and age of cases.
- If parties consent to waive a trial by jury, please notify the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) so that she may set your matter for a bench trial to avoid further delays caused by the impacts of COVID-19 on the court system.

Civil Superior Motions

- Beginning March 18, 2020, Wake County Civil Superior Court commenced holding civil motions by WebEx. Hearings conducted remotely by WebEx will continue in May and June.
- Beginning June 1, 2020, Wake County Civil Superior Court will schedule one civil superior motion calendar each week in June for the purpose of in-person hearings and WebEx hearings (details about each type appear on the following pages).
- The TCA’s Office will publish a final weekly calendar to the NC Courts website on the Friday prior to the following week’s session. Counsel and parties remain responsible for noticing their motions for hearings.
- Pursuant to Rule 3 of the Local Rules for Civil Superior Court, the following calendar request deadlines apply and supersede deadlines previously published.

Session Begins	Type	Calendar Request Deadline
May 26, 2020	WebEx Motions	May 11 @ 5:00 p.m.
June 1, 2020	WebEx Motions In-Person Motions	May 18 @ 5:00 p.m.
June 8, 2020	WebEx Motions In-Person Motions	May 26 @ 5:00 p.m.
June 22, 2020	WebEx Motions In-Person Motions	June 8 @ 5:00 p.m.
June 29, 2020	WebEx Motions In-Person Motions	June 15 @ 5:00 p.m.
ALL	Add-On Requests; Emergency Motions	Contact Lisa Tucker for availability

WebEx Civil Superior Hearings

- WebEx Hearings will be scheduled **Monday – Thursday between 2:30 p.m. – 5:00 p.m.** Calendar requests shall be submitted directly to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org), indicating if the parties are requesting a WebEx or in-person hearing. Hard copies of the calendar request shall not be submitted.
- If a hearing is held via WebEx, all parties and counsel must appear remotely (i.e., no hearings will be split between remote and in-person).
- *Consent of the parties to participate in the hearing via WebEx will be presumed.*
 - Parties who object, for good cause, to the hearing being conducted via WebEx must submit their written objection directly to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) within three (3) days of receipt of the calendar request. Hard copies of the objection shall not be submitted.
 - If the objection to the remote hearing is granted, the matter will be scheduled for an in-person hearing during the same session requested, if time is available on the in-person hearing calendar.
- The TCA’s Office will schedule the hearings, issue WebEx invitations to participate, and serve as the WebEx host.
- Hearings will be audio-recorded by the courtroom clerk or recorded by a court reporter, as determined by the TCA.
- If evidence is tendered and received, the offering party shall send a digital copy to the clerk at the conclusion of the hearing.
- Briefs and memoranda shall be submitted electronically to the TCA’s Office (kellie.z.myers@nccourts.org or lisa.r.tucker@nccourts.org) *no later than two business days prior to the hearing* on the motion. Hard copies of briefs and memoranda shall not be submitted to the court or filed with the clerk, unless ordered by the presiding judge.
- Requests to observe hearings set on the WebEx calendar shall be submitted to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) by 3:00 p.m. on the day prior to the hearing. Observers will receive a WebEx link to join the hearing by telephone. Observers shall mute audio and video during the hearing and will be disconnected from the hearing if they cause disruptions to the court proceeding. Late requests to observe the hearing may not be honored.

In-person Civil Superior Hearings

- In-person hearings will be scheduled **Monday – Thursday between 9:30 a.m. – 1:00 p.m.** in Courtroom 10C of the Wake County Courthouse (316 Fayetteville Street, Raleigh, NC). Calendar requests shall be submitted directly to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org), indicating if the parties are requesting a WebEx or in-person hearing. Hard copies of the calendar request shall not be submitted.
- If a hearing is held in-person, all parties and counsel who are necessary to the hearing must appear in-person (i.e., no hearings will be split between remote and in-person).
- Parties who object, for good cause, to the hearing being conducted in-person must submit their written objection directly to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) within three (3) days of receipt of the calendar request. Hard copies of the objection shall not be submitted.
 - If the objection to the remote hearing is granted, the matter will be scheduled for a WebEx hearing during the same session requested.
- To minimize the number of individuals in the courtroom, the number of motions set and the number of people in the courtroom will be limited. Follow instructions posted on the courtroom doors before entering.

- Parties are expected to abide by the time estimates provided in the calendar request. *Additional time will not be permitted.*
- Hearings will be audio-recorded by the courtroom clerk or recorded by a court reporter, as determined by the TCA.
- Briefs and memoranda shall be submitted electronically to the TCA's Office (kellie.z.myers@nccourts.org or lisa.r.tucker@nccourts.org) *no later than two business days prior to the hearing* on the motion. Hard copies of briefs and memoranda shall not be submitted to the court or filed with the clerk, unless ordered by the presiding judge.

Civil Superior Administrative Calendar

- Wake County Civil Superior Court will schedule one civil superior status session in June (week TBD) for the purpose of setting trial dates and case management deadlines for trials that have been continued from trial calendars since March 16, 2020.
- Parties/counsel are expected to provide a proposed Amended Case Management Order to the Civil Superior Case Coordinator (lisa.r.tucker@nccourts.org) for all trials that have been continued from trial calendars since March 16, 2020.
- If a proposed Amended CMO is not submitted and approved, parties/counsel must appear before the presiding during the status session. Each case on the Administrative Calendar will be given a trial date and Amended CMO before parties/counsel leave the courtroom. Per Local Rules, if a proposed Amended CMO is not submitted and approved by the Civil Superior Case Coordinator, parties/counsel waive their objection to the trial date provided by the presiding judge.
- If a new trial date is already set (as approved by Lisa Tucker), that information, including the new trial date, will appear on the published Administrative Calendar with a notation that the parties/counsel in that case do not have to appear for the status session.

Three-Judge Panel Cases Pursuant to N.C.G.S. §1-267.1

- Hearing requests shall be submitted to the TCA (kellie.z.myers@nccourts.org) and Adam Steele (adam.h.steele@nccourts.org) by email, accompanied by a copy of the motion(s) to be heard and availability of counsel to appear in-person or by WebEx. Counsel should bundle pending matters, when possible, for a single hearing before the panel.
- Pending cases with a designated three-judge panel may be set by the TCA, after consultation with the panel and Adam Steele, taking into consideration the restrictions on court matters due to COVID-19.
- *Consent of the parties to participate in the hearing via WebEx will be presumed.* Parties who object, for good cause, to the hearing via WebEx must submit their written objection directly to the TCA (kellie.z.myers@nccourts.org) and Adam Steele (adam.h.steele@nccourts.org) at least 48 hours prior to the hearing. Hard copies of the objection shall not be submitted.
- Facial constitutional challenges pending in Wake County Superior Court are not automatically afforded priority over other pending civil cases in Wake County Superior Court. Pursuant to Rule 7.6 of the Local Rules of Civil Superior Court, counsel shall notify the TCA of cases in which there is statutory authority granting a priority setting.